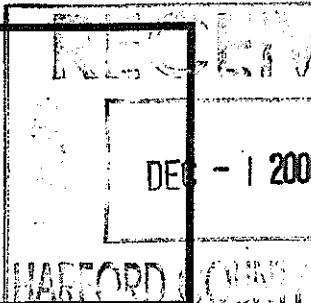


STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014



Case No. 5584
Date Filed 11/20/06
Hearing Date _____
Receipt _____
Fee \$ 450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
- ☐ Special Exception
- ☐ Use Variance
- ☐ Change/Extension of Non-Conforming Use
- ☐ Minor Area Variance
- ☐ Area Variance
- ☐ Variance from Requirements of the Code
- ☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5584 MAP 11 TYPE Variance

ELECTION DISTRICT 5 LOCATION 2217 Whiteford Rd., Whiteford, MD 21160

BY American Legion Slate Ridge Post 182, 2217 Whiteford Road, Whiteford, MD

and Robert M. McFadden, Commander, 3932 Davis Corner Rd., Street 21154

Appealed because a variance pursuant to Section 219-12D of the Harford County Code
to allow an institutional sign within the 17' front yard setback (1' proposed) in the Ag

District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name AMERICAN LEGION SLATE RIDGE POST 182 Phone Number 410 452 5819

Address 2217 WHITEFORD RD WHITEFORD MD 21160
Street Number Street City State Zip Code

Co-Applicant COMMANDER ROBERT M MCFADDEN Phone Number 410 452 5665

Address 3932 DAVIS CORNER RD STREET MD 21154
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2217 WHITEFORD ROAD
WHITEFORD MARYLAND 21160

Subdivision _____ Lot Number _____

Acreage/Lot Size 4.13 ACRES Election District 05 Zoning Ag

Tax Map No. 11 Grid No. 1C Parcel 138 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: POST HOME LEGION, PAVILION, HOUSE
CIVIC ORGANIZATION

Estimated time required to present case: NA 45 MINUTES

If this Appeal is in reference to a Building Permit, state number NA

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

SEE ATTACHED LETTER AND DOCUMENTS

Justification

SEE ATTACHED LETTER AND DOCUMENTS

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



THE AMERICAN LEGION
SLATE RIDGE POST NO. 182
Whiteford, Maryland 21160

To: Harford County Board of Appeals

9Nov2006

From: Commander Robert M. McFadden
The American Legion
Slate Ridge Post 182
Whiteford, Maryland 21160

This letter has been drawn up to justify our request for installing a new outdoor sign at our Post located at 2217 Whiteford Road, Whiteford, Maryland 21160. I attended the pre-application meeting back in February 2006. At that time it was suggested by Shane Grimm to call Mark Redmond from the State Highway Administration to find out if the location was satisfactory with them. After numerous attempts to contact him to get the information, I have not heard very much out of him, so I have decided to go on with this request. The only recommendation that I did receive from Mark was that they may want to put up guard rails along the front of our property, however, there is been very little communication since that time. You will see copies of email messages sent back and forth between Mark, Shane, and myself. I have also included in this packet a letter written and signed by the two members who originally constructed our current sign to give you a date as to when it was constructed along with prints of what this current sign looks like. You will notice that we also have a very bad looking free standing marquee that we want to eliminate entirely. The modification to the current sign will take care of this elimination and will beautify the looks of our Post to passing by motorists. The other letter is from the only company in the United States that has the authority, through The American Legion, Inc., to use The American Legion emblem on their products. This company is The J.M. Stewart Corporation from Sarasota, Florida. Attached are examples of the type of signs that are in consideration.

There are also other photos attached to give you a sense of why we are requesting that this modification be done in the matter explained.

Due to the contour of our land, which you can see in the photos, the only level spot and convenient location to place the new sign would be in the current location of the original sign. You will see by a red string the drop off of our land. From the base of the original sign back towards our Legion Building, there is a 7 ½ foot drop in grade. The distance from the back base of the current sign to the building is 75 feet.

Our plan and request is to modify the current sign by removing the existing roof, extending the foundation back towards the Legion Building, and re-locating the back pillar, also towards the building, to allow the new sign to be placed between the 2 pillars. This will not place the sign any closer to Route 136. The height of the new construction would not be any higher than it currently is with the roof on as it is now.


This modification will allow us to remove the unbearable, free standing marquee, and display our organization name and emblem with advertising of our organizations functions of which the funds are used in donations to our veterans, the community, and to our children in school, such as scholarships and other programs. The sign will also allow us to inform other veterans who, due to health issues cannot attend our programs.

Residents in the area close to Our Legion Home are as follows:

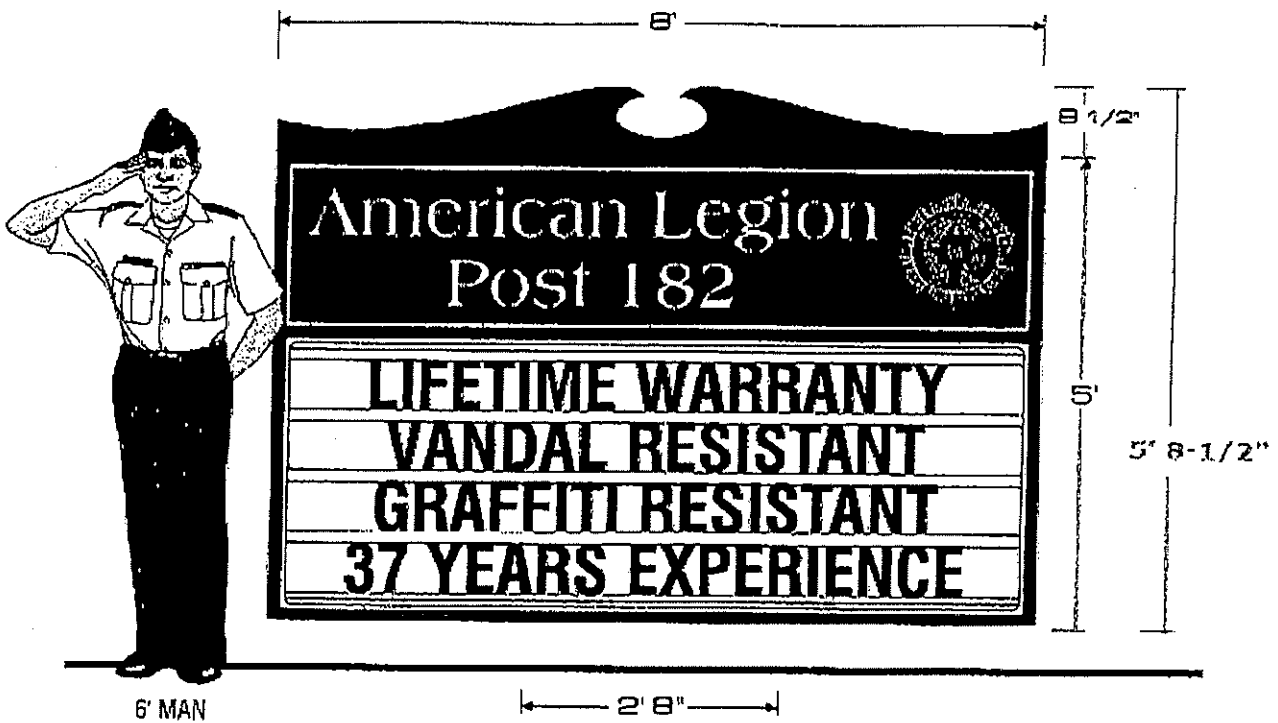
Dale Stonesiefer
1500 Ridge Road
Whiteford, Maryland

Christopher Sealy
2206 Whiteford Road
Whiteford, Maryland

We thank you for your consideration in this matter.

A handwritten signature in dark ink, reading "Robert M. McFadden". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Respectfully submitted
Commander Robert M McFadden
The American Legion
Slate Ridge Post 182



stewartsigns
1-800-237-3928

CUST.#2130122
3/4"=1' 2-06-06 D/ART PROPOSAL

ORIGINAL DESIGN DO NOT DUPLICATE

THIS IS A DESIGN. VARIATIONS OF THE COLOR AND FINISHES PRINTING PROCESS. THIS DESIGN IS NOT TO BE USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF STEWART SIGNS. ANY REPRODUCTION OF THIS DESIGN WITHOUT THE WRITTEN PERMISSION OF STEWART SIGNS IS PROHIBITED.

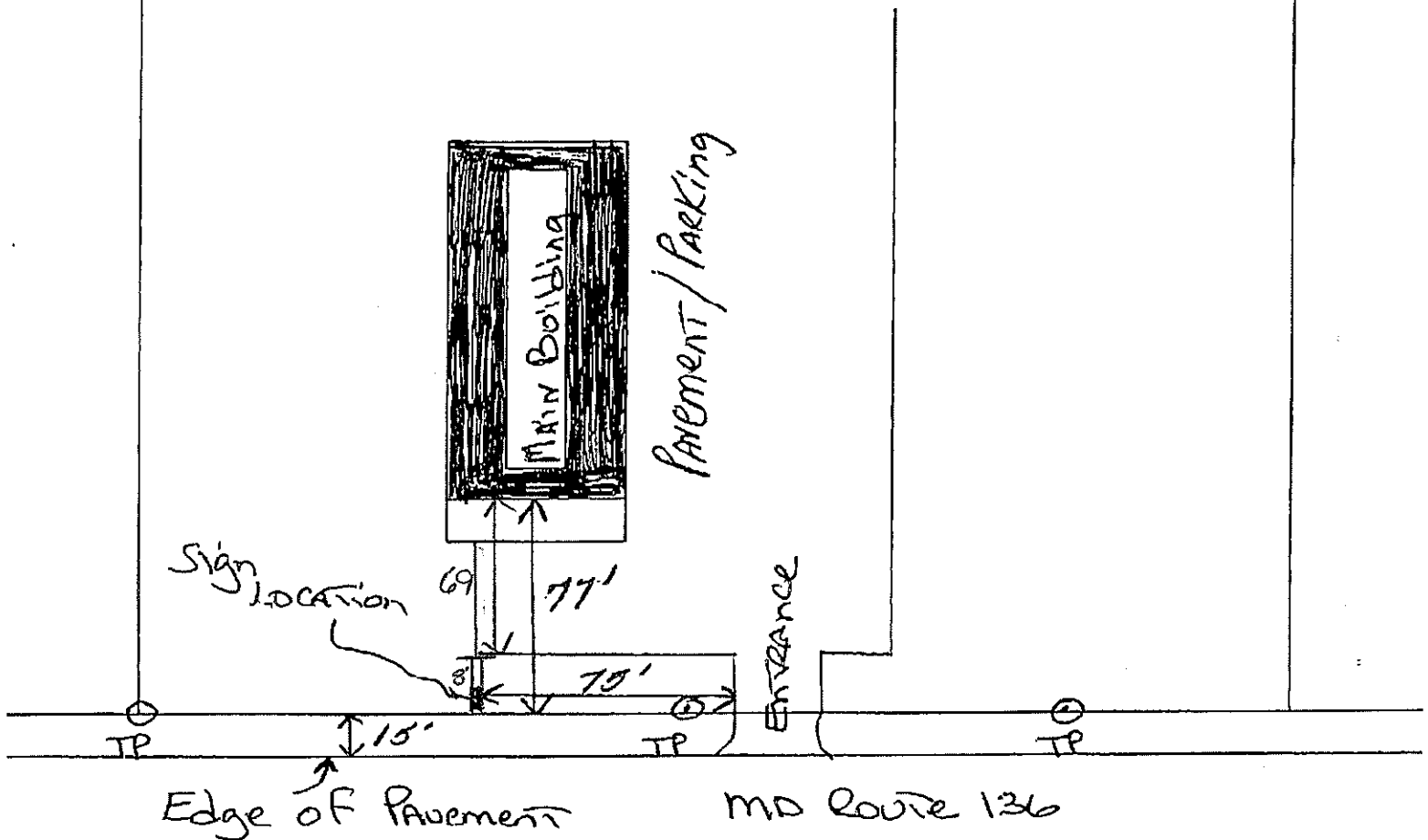
APPROVED AS SHOWN

K	DATE	1
REVISION WITH LISTED CHANGES	DATE	2
X	DATE	3

1" = 60'

Existing Sign

- ① 75-feet west of driveway
- ② Approximately 75-feet from sign to Building
- ③ Approximately 16-feet from Edge of MD 136 to sign
- ④ Approximately 77-feet from building to Telephone / Utility Lines



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

DEPARTMENT OF PLANNING & ZONING

February 2, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5584

APPLICANT/OWNER: American Legion Slate Ridge – Post 182
2217 Whiteford Road, Whiteford, Maryland 21160

Co-APPLICANT: Commander Robert McFadden
3932 Davis Corner Road, Street, Maryland 21154

REPRESENTATIVE: Applicants

LOCATION: 2217 Whiteford Road – American Legion Slate Ridge – Post 182
Tax Map: 11 / Grid: 1C / Parcel: 138
Election District: Fifth (5)

ACREAGE: 4.13 acres

ZONING: AG/Agricultural

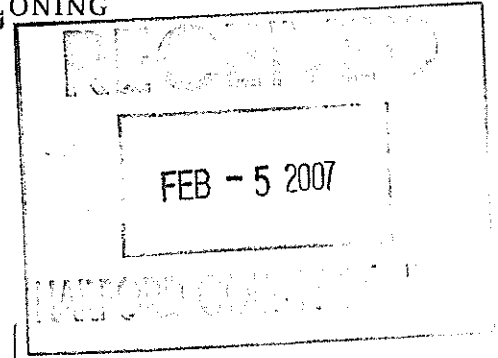
DATE FILED: November 20, 2006

HEARING DATE: February 12, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request and Justification:

See ATTACHMENT 1.



Preserving Harford's past; promoting Harford's future
(410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

STAFF REPORT

Board of Appeals Case Number 5584

Commander Robert M. McFadden/

American Legion Slate Ridge – Post 182

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 219-17 and Section 219-12D of the Harford County Sign Code to allow a permanent institutional sign within the 17-foot front yard setback (1-foot proposed) in the AG/Agricultural District.

Section 219-17 of the Harford County Sign Code reads:

The Board may grant a variance from the provisions of this Chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.

Section 219-12D of the Harford County Sign Code reads:

Permanent institutional signs. Signs of a permanent nature setting forth the name of places of worship, service clubs, civic organization, public or service centers, public institutions, schools or other similar uses shall be permitted if the setback is 1/3 of the required building setback of the district. Illumination shall be in accordance with the restrictions set forth in Section 219-11. Such signs shall not exceed 54 square feet for the overall structure and shall not exceed 6 feet in overall height.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the north side of Whiteford Road (MD Route 136) approximately 700-feet west of Ridge Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Rural Village of Whiteford is located to the west of the subject property at the intersection of MD Route 165 and MD Route 136. The Natural Features Map reflects Agricultural Preservation Districts and Easements, Stream Systems, and Sensitive Species Project Review Areas. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the

STAFF REPORT

Board of Appeals Case Number 5584
Commander Robert M. McFadden/
American Legion Slate Ridge – Post 182
Page 3 of 5

agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land use in the area is Agricultural which includes cropland, pastureland and large areas of dense woodland. There are scattered single family residential subdivisions in the area. Commercial and industrial uses are located in and around the Rural Village of Whiteford. The topography in this area ranges from rolling to steep especially near the stream valleys and their many tributaries. A topography map and an aerial photograph are enclosed with the report (Attachments 6 and 7).

The subject parcel is located on the north side of Whiteford Road (MD Route 136) and is 4.13± acres in size. The parcel is rectangular in shape and has approximately 430-feet of road frontage along Whiteford Road. The subject property is currently improved with a large Morton style building which houses the American Legion Slate Ridge – Post 182. The subject property is also improved with a large parking area and several accessory structures.

The topography of the property is moderately sloping from the west to the east. The shoulder of Whiteford Road drops sharply down to the parking area in front of the American Legion building. This parking area is approximately 8-feet below the shoulder of Whiteford Road. Enclosed with the report are site photographs (Attachments 8).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification for the area is AG/Agricultural. There are areas of VR/Village Residential, VB/Village Business, B2/Community Business, CI/Commercial Industrial and GI/General Industrial in and around the Rural Village of Whiteford located to the west of the subject property. Enclosed with the report is a copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 219-17 and Section 219-12D of the Harford County Sign Code to allow a permanent institutional sign within the 17-foot front yard setback (1-foot proposed) in the AG/Agricultural District.

Section 219-17 of the Harford County Sign Code reads:

STAFF REPORT

Board of Appeals Case Number 5584

Commander Robert M. McFadden/

American Legion Slate Ridge – Post 182

Page 4 of 5

The Board may grant a variance from the provisions of this Chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.

The Applicants are requesting a variance to replace an existing permanent institutional sign for the American Legion Slate Ridge – Post 182. The Applicants have provided a letter from the individuals who constructed the original sign (Attachment 10). The sign was constructed around 1977 without a zoning certificate.

The Applicants are proposing to replace the existing sign with a new sign that is more visible, provides a larger advertising area, and is more aesthetically appealing. The existing sign is constructed of brick and wood covered by a small roof. The sign only identifies the Legion and Post Number but does not have any changeable advertising area. The Legion currently advertises their numerous functions throughout the year on a portable billboard that is located at the entrance to the Legion. The new sign will utilize the existing pillar closest to Whiteford Road and a portion of the existing foundation. The new sign will maintain the existing setback. The foundation will have to be extended towards the American Legion building in order to accommodate the new sign. The Applicants have provided an illustration of the proposed sign (Attachment 11). The sign will be less than the 54 square feet permitted by Code.

The required setback for an institutional sign in the Agricultural district is 17-feet. The presence of the steep slope along Whiteford Road poses a practical difficulty for the Applicants. If the sign were located at the required setback, the top of the sign would be approximately 3-feet below Whiteford Road. The sign would not be visible to passing motorists unless it was erected on a pole or large supporting structure. It is the Department of Planning and Zoning's opinion that the proposed sign will not pose any hazards and will be more aesthetically appealing than the existing identification sign and portable sign.

The State Highway Administration (SHA) has reviewed the proposal and has determined that the new sign is not located within the SHA right-of-way and will not pose a hazard.

The Department finds that the subject property is unique based on its topography. The request will not have an adverse impact on the adjacent roads, neighborhood or the intent of the Code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

STAFF REPORT

Board of Appeals Case Number 5584

Commander Robert M. McFadden/

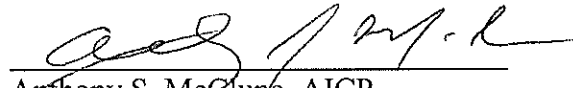
American Legion Slate Ridge -- Post 182

Page 5 of 5

1. The Applicants shall obtain all necessary permits and inspections for the sign.
2. The new sign shall not extend any closer towards Whiteford Road than the existing sign.
3. The portable sign shall be removed from the premises.



Shane P. Grimm, AICP
Chief, Site Plan and Building Permits
Review Section



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

SPG/ASM/jf